



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. MBHB 99,089)

In re Application of:)
Mark O. Vogel) Group Art Unit: 2731
Serial No.: 09/318,460) Examiner: TBA
Filed: May 25, 1999)
For: Method for Dynamic Performance)
Optimizing in a Data-Over-Cable System)

RECEIVED
DEC 28 2001
Technology Center 2600

**EIGHTH SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents
Washington, D.C. 20231-9999

Dear Sir:

Pursuant to the duty of disclosure provided by 35 C.F.R. § 1.56 and §§ 1.97-98, the applicants wish to make the following references of record in the above-identified application. Copies of the references are enclosed. Copies are also listed in the PTO-1449 form enclosed herewith. It is requested that the documents be given careful consideration and that they be cited of record in the prosecution history of the present application so that they will appear on the face of the patent issuing from the present application.

Portions of the references may be material to the examination of the pending claims, however no such admission is intended. 37 C.F.R. 1.97 (h). The references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative importance of any portion of the references. This Statement is not a



representation that the cited references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. sections 102 or 103, nor is this submission to be construed as a representation that a search has been made.

CITED REFERENCES

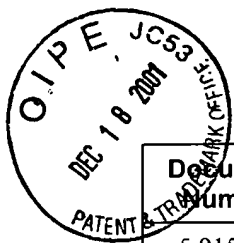
U.S. Patent Documents

| Document Number | Date | Name | Class | Sub Class | Filing Date of App. |
|-----------------|----------|-------------------|-------|-----------|---------------------|
| 6,014,545 | 01-11-00 | Wu et al. | 455 | 3.1 | 03-27-97 |
| 6,157,965 | 12-05-00 | Mohammed et al. | 710 | 8 | 02-27-98 |
| 5,809,252 | 09-15-98 | Beighe et al. | 395 | 200.57 | 12-13-96 |
| 6,005,851 | 12-21-99 | Craddock et al. | 370 | 329 | 10-10-97 |
| 6,041,041 | 03-21-00 | Ramanathan et al. | 370 | 241 | 04-15-97 |
| 5,943,604 | 08-24-99 | Chen et al. | 455 | 5.1 | 10-31-97 |
| 6,130,880 | 10-10-00 | Naudus et al. | 370 | 235 | 03-20-98 |
| 6,094,431 | 07-25-00 | Yamato et al. | 370 | 395 | 11-29-96 |
| 6,170,061 | 01-02-01 | Beser | 713 | 201 | 02-04-98 |
| 6,065,049 | 05-16-00 | Beser | 709 | 218 | 02-04-98 |
| 6,070,242 | 05-30-00 | Wong et al. | 713 | 201 | 12-09-96 |
| 6,073,178 | 06-06-00 | Wong et al. | 709 | 229 | 12-09-96 |
| 5,991,306 | 11-23-99 | Burns et al. | 370 | 429 | 08-26-96 |
| 6,031,841 | 02-29-00 | Woundy | 370 | 410 | 12-23-97 |
| 6,137,793 | 10-24-00 | Gorman et al. | 370 | 360 | 12-05-97 |
| 5,610,910 | 03-11-97 | Focsaneanu et al. | 370 | 351 | 08-17-95 |
| 5,991,292 | 11-23-99 | Focsaneanu et al. | 370 | 352 | 03-06-97 |
| 5,828,666 | 10-27-98 | Focsaneanu et al. | 370 | 389 | 03-06-97 |
| 4,996,685 | 02-26-91 | Farese et al. | 370 | 58.1 | 04-10-89 |
| 5,301,273 | 04-05-94 | Konishi | 395 | 200 | 06-18-91 |
| 5,675,742 | 10-07-97 | Jain et al. | 395 | 200 | 06-26-95 |
| 5,724,510 | 03-03-98 | Arndt et al. | 395 | 200.5 | 09-06-96 |
| 5,790,770 | 08-04-98 | McClure et al. | 395 | 200.61 | 07-18-96 |
| 5,793,747 | 08-11-98 | Kline | 370 | 230 | 03-14-96 |
| 5,909,549 | 06-01-99 | Compliment et al. | 709 | 223 | 11-12-96 |

RECEIVED

DEC 28 2001

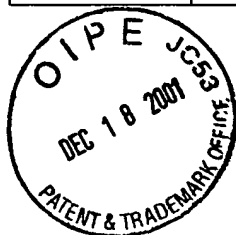
Technology Center 2600



| Document Number | Date | Name | Class | Sub Class | Filing Date of App. |
|-----------------|----------|--------------------|-------|-----------|---------------------|
| 5,915,119 | 06-22-99 | Cone | 395 | 750.02 | 10-01-96 |
| 5,982,748 | 11-09-99 | Yin et al. | 370 | 232 | 10-03-96 |
| 6,049,825 | 04-11-00 | Yamamoto | 709 | 221 | 12-15-97 |
| 6,104,700 | 08-15-00 | Haddock et al. | 370 | 235 | 02-03-98 |
| 6,112,258 | 08-29-00 | Miller et al. | 710 | 19 | 03-19-98 |
| 6,122,254 | 09-19-00 | Aydemir et al. | 370 | 235 | 11-25-97 |
| 6,130,879 | 10-10-00 | Liu | 370 | 230 | 09-22-97 |
| 6,137,792 | 10-24-00 | Jonas et al. | 370 | 354 | 06-14-96 |
| 6,189,102 | 02-13-01 | Beser | 713 | 201 | 05-27-98 |
| 6,223,222 | 04-24-01 | Fijolek et al. | 709 | 227 | 05-14-98 |
| 6,240,464 | 05-29-01 | Fijolek et al. | 709 | 250 | 02-04-98 |
| 6,260,072 | 07-10-01 | Rodriquez-Moral | 709 | 241 | 06-12-97 |
| 6,269,099 | 07-31-01 | Borella et al. | 370 | 389 | 07-01-98 |
| 6,275,853 | 08-14-01 | Beser et al. | 709 | 223 | 05-27-98 |
| 6,212,563 | 04-03-01 | Beser | 709 | 227 | 10-01-98 |
| 6,295,554 | 09-25-01 | Karadogan | 709 | 219 | 05-27-98 |
| 5,430,727 | 07-04-95 | Callon | 370 | 85.13 | 05-19-94 |
| 6,272,150 | 08-07-01 | Hrastar | 370 | 486 | 05-05-97 |
| 6,148,410 | 11-14-00 | Baskey et al. | 714 | 4 | 09-15-97 |
| 6,216,171 | 04-10-01 | Isono et al. | 709 | 250 | 02-11-98 |
| 6,208,656 | 03-27-01 | Hrastar et al. | 370 | 401 | 04-11-97 |
| 6,178,455 | 01-23-01 | Schutte et al. | 709 | 228 | 04-11-97 |
| 6,128,298 | 10-03-00 | Wootton et al. | 370 | 392 | 10-03-00 |
| 6,061,349 | 05-09-00 | Coile et al. | 370 | 389 | 05-02-97 |
| 5,999,536 | 12-07-99 | Kawafuji et al. | 370 | 401 | 11-24-97 |
| 5,987,524 | 11-16-99 | Yoshida et al. | 709 | 245 | 09-30-97 |
| 5,894,479 | 04-13-99 | Mohammed | 370 | 401 | 12-10-96 |
| 5,708,654 | 01-13-98 | Arndt et al. | 370 | 242 | 11-27-96 |
| 6,070,187 | 05-30-00 | Subramaniam et al. | 709 | 220 | 03-26-98 |
| 5,678,041 | 10-14-97 | Baker et al. | 395 | 609 | 08-25-95 |
| 5,848,233 | 12-08-98 | Radia et al. | 395 | 187.01 | 12-09-96 |
| 5,892,754 | 04-06-99 | Kompella et al. | 370 | 236 | 06-07-96 |

RECEIVED
DEC 28 2001
Technology Center 2600


| Document Number | Date | Name | Class | Sub Class | Filing Date of App. |
|-----------------|----------|-----------------|-------|-----------|---------------------|
| 6,091,709 | 07-18-00 | Harrison et al. | 370 | 235 | 11-25-97 |
| 4,644,533 | 02-17-87 | Braff et al. | 370 | 94 | 05-06-85 |
| 6,185,624 | 02-06-01 | Fijolek et al. | 709 | 239 | 02-04-98 |



Respectfully submitted,

McDonnell, Boehnen, Hulbert & Berghoff

Date: 12/12/01

By: 
Timothy Baumann
Registration No. 40,502



8664

273

PATENT

15
aff
1/3/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. MBHB 99,089)

In re Application of:)
Mark O. Vogel) Group Art Unit: 2731
Serial No.: 09/318,460) Examiner: TBA
Filed: May 25, 1999)
For: Method for Dynamic Performance)
Optimizing in a Data-Over-Cable System)

RECEIVED
DEC 28 2001
Technology Center 2600

TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231

1. We are transmitting herewith the attached papers for the above-identified patent application:
 - 1) Eighth Supplemental PTO-1449;
 - 2) Eighth Supplemental Information Disclosure Statement;
 - 3) 60 Cited References; and
 - 4) Return Postcard
2. A check in the amount of \$0.00 is enclosed for the Filing Fee.
3. **GENERAL AUTHORIZATION TO CHARGE OR CREDIT FEES:** Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
4. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box DD, Washington, D.C. 20231 on this 12 day of December, 2001.

Date: 12/12/01

By: 3 R R
Timothy R. Baumann
Reg. No. 40,502